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Daniel Bennett
Secretary

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Commissioner

Minutes

Board of Elevator Regulations
One Ashburton Place, 13th Floor – 13th Floor
DPS Conference Room
November 15, 2016 at 1:00PM

Board Member Present:

Stephen Sampson, Chairman
David Gaudet
John O'Donoghue
Cheryl Davis
Michael J. Nicoloro Jr.

Board Members Absent:

Harold J. McGonagle
Tom Riley
David Morgan

Guests Present:

Joe Cronin (3Phase Elevator)
Roland Locke (3Phase Elevator)
Michael Mondello (Schindler Elevator)
Nathan Wilson (ThyssenKrupp)
Matt Dubois (ThyssenKrupp)
George Stocks (Loews – Boston)
Timothy King (Town of Westport)
Andrea Hunt (Lerch Bates)
Ruthy Barros (DPS)

A motion was put forth by David Gaudet to postpone the approval of the meeting minutes from October 18, 2016, October 25, 2016 and November 1, 2016 to the next scheduled Board meeting. The motion was seconded by Michael J. Nicoloro Jr. **Vote: 5-0; Postponed.**

The Board discussed the following:

1. 10 Milk Street – Boston, MA

State ID number: 1-P-7584

524 CMR Section 15.01 (2) (d) and Section 17.04 (b) (c)

Petitioner: Joe Cronin

The petitioner came before the Board requesting a variance to relocate the machine room and to retain the existing service to the sub-basement level despite presence of a structural footing located in the pit. The petitioner stated that he is pursuing a modernization project on a simplex traction elevator. Currently, the elevator is being utilized as a 13 stop service elevator and it serves the landings from the sub-basement, basement and lobby through to the top (11th floor). The scope of work is a complete rip out of the existing elevator, leaving the existing main rails and brackets. The machine room is located in the subbasement level and it is dimly lit hard to navigate area. The petitioner stated that the owner of the building would like to move the existing machine room to the overhead. Additionally, the petitioner explained the reason for the second request is that the footings hinder the clear space and refuge area of the pit when the elevator is at the sub-basement level. The footing is roughly 44 inches wide by 31 inches deep by 29 inches tall. The petitioner stated that the sub-basement level is rarely accessed and is used primarily for storage by the building's facilities staff. A motion was put forth by David Gaudet to place the petition on hold for additional information from the petitioner. The motion was seconded by Cheryl Davis.

Motion: David Gaudet

Seconded by: Cheryl Davis

Vote: 5-0; Placed on hold.

2. 450 Washington Street – Boston, MA

State ID number: 1-E-7689; 1-E-7690; 1-E-7691

524 CMR Section 8.02

Petitioner: Michael Mondello

The petitioner came before the Board requesting relief from an Inspector's report on three units. All three units were cited for "No do demarcation lights or lines on steps" under 524 CMR Section 8.02. The petitioner stated these elevators are Otis model J's that were installed in 1974 and were not required by code at time of installation to have demarcation lights or lines on the steps. The petitioner also stated demarcation lights were required by code beginning in 1977. The petitioner stated that the steps on all four units were replaced in the first quarter of 2016. A motion was put forth by Stephen Sampson to grant the relief from the Inspector's report on the requested three units. The Board also granted the same relief for unit 1-E-7692. The Board's justification is that the requirement to have demarcation lights and strips was not required by code until 1977. The motion was seconded by Cheryl Davis.

Motion: Stephen Sampson

Seconded by: Cheryl Davis

Vote: 5-0; Granted.

3. 450 Washington Street – Boston, MA

State ID number: 1-P-7702

524 CMR Section 17.23

Petitioner: Michael Mondello

The petitioner came before the Board requesting relief from an Inspector's report citing 524 CMR Section 17.23 – selector cover missing. The Inspector wrote up that the hoses under the tank is not dated. The petitioner stated that the hoses under the tank of the unit are not flexible hoses that are under pressure and the petitioner believes the hoses do not need to be replaced or dated. A motion was put forth by David Gaudet to deny the variance as requested with the justification of public safety. The motion was seconded by Cheryl Davis.

Motion: David Gaudet

Seconded by: Cheryl Davis

Vote: 5-0; Denied

4. 350 Stuart Street – Boston, MA

State ID number: 1-P-11573; 1-P-11574; 1-P-11575

524 CMR Sections 2.27.3.2.6; 2.27.3.2.3 or 2.27.3.2.4; 2.27.3.1.6 (h); 3.27.3.2.1; 2.27.3.2.1 (d)

Petitioner: George Stocks

The petitioner came before the Board requesting relief from an Inspector's report citing the above code line items cited in electronic write-ups. The petitioner stated that the existing equipment was upgraded in 2003 and had subsequent acceptance test following installation. The petitioner also stated that the existing controls, per the schematic and conditions have no provisions for adding MR smoke recall devices. The petitioner believes major equipment and building upgrades would be required to the existing systems to satisfy or comply with citation. A motion was put forth by John O'Donoghue to deny the variance as requested with the justification being that all fire inspection violations listed above were required at the time of installation. The motion was seconded by Cheryl Davis.

Motion: John O'Donoghue

Seconded by: Cheryl Davis

Vote: 5-0; Denied

5. 816 Main Road – Westport, MA

State ID number: 334-P-16

524 CMR Section 17.02

Petitioner: Timothy King

The petitioner came before the Board requesting relief from an Inspector's report citing 524 CMR Section 17.02 – wire in the machine room. The petitioner stated that in 1996 the elevator in

the town hall was constructed and in 2006 the town had internal INET installed, which required fiber optic cable to be run through the elevator machine room. A motion was put forth by Cheryl Davis to grant the variance for 524 CMR 17.02 (3) (e) by providing additional signage on the elevator machine room door and on the equipment, identifying what it is, stating that if servicing is required, that person needs to be accompanied by a licensed elevator mechanic. The justification being that difficulty is trying to enclose the fiber cable will enclose some of the elevator equipment, causing danger. The motion was seconded by Michael J. Nicoloro Jr.

Motion: Cheryl Davis

Seconded by: Michael J. Nicoloro Jr.

Vote: 5-0; Granted.

6. 10 Post Office Square – Boston, MA

State ID number: 1-P-6208; 1-P-6209

Interpretation of 524 CMR 15.01 (2) (c)

Petitioner: Kevin Kiley

The petitioner came before the Board requesting an interpretation of the requirements to “meet all current codes”, which came from a previous decision dated July 7, 2016. The petitioner stated that the work being done was awarded to 3Phase Elevator and most of the material being used to restore the top floor access is being retained as is. The entrances which were blocked up, will be restored. The petitioner stated that the current control system was installed in 1996. The petitioner stated that car #2 (1-P-6208) and car #3 (1-P-6209) were originally designed to travel to the 14th floor. A motion was put forth by Cheryl Davis to clarify the variance decision dated July 7, 2016, that car #2 and #3 shall be reinstated to travel to the 14th floor, as they were originally designed. Also, allowing that the fixtures do not have to meet current code. Although the parts that are going in, i.e. the entrances, must meet the current code. The justification being according to the provided drawings, the cars originally traveled to the 14th floor. The motion was seconded by Michael J. Nicoloro Jr.

Motion: Cheryl Davis

Seconded by: Michael J. Nicoloro Jr.

Vote: 5-0; Granted.

Exhibit List:

Exhibit 1: Meeting minutes from October 18, 2016

Exhibit 2: Meeting minutes from October 25, 2016

Exhibit 3: Meeting minutes from November 1, 2016

Exhibit 4: Variance petition – 10 Milk Street – Boston, MA

Exhibit 5: Variance petition – 450 Washington Street – Boston, MA

Exhibit 6: Variance petition – 350 Stuart Street – Boston, MA

Exhibit 7: Variance petition – 816 Main Road – Westport, MA

Exhibit 8: Variance petition – 10 Post Office Square – Boston, MA

Motion to adjourn by: Cheryl Davis
Seconded by: Michael J. Nicoloro Jr.
Vote: 6-0; Granted.

Hearing Concluded at 3:23 p.m.

Prepared by: Ruthy Barros